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M. L. HATCHER, CLK
U.S. BANKRUPTCY COURT
W.D. OF WA AT SEATTLE

BY _____ DEP CLK.

HONORABLE KAREN A. OVERSTREET

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

GARDEN BOTANIKA, INC.,

Debtor.

THE BANKRUPTCY ESTATE OF GARDEN
BOTANIKA, INC.,

Plaintiff,

v.

RANDALL INTERNATIONAL, a California
corporation,

Defendant.

BANKRUPTCY NO. 99-04464

ADVERSARY NO. 01-1173

ANSWER OF RANDALL
INTERNATIONAL TO COMPLAINT TO
RECOVER AVOIDABLE
PREFERENCES AND OBJECTION TO
CLAIM AND AFFIRMATIVE DEFENSES

COMES NOW Randall International, Defendant, by and through its undersigned counsel, and
by way of answer to the enumerated Paragraphs in the Plaintiff's Complaint, alleges and avers the
following:

1. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
contained in Paragraph 1 of the Complaint and therefore denies the same.

1 2. Defendant admits that it is a California corporation. Defendant denies that it is an
2 insider of Garden Botanika, Inc. ("Debtor").

3 3. Defendant admits the allegation contained in Paragraph 3 of the Complaint.

4 4. Defendant admits the allegation contained in Paragraph 4 of the Complaint.

5 5. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
6 contained in Paragraph 5 of the Complaint and therefore denies the same.

7 6. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
8 contained in Paragraph 6 of the Complaint and therefore denies the same.

9 7. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
10 contained in Paragraph 7 of the Complaint and therefore denies the same.

11 8. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
12 contained in Paragraph 8 of the Complaint and therefore denies the same.

13 9. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
14 contained in Paragraph 9 of the Complaint and therefore denies the same.

15 10. Defendant denies the allegations set forth in Paragraph 10 of the Complaint.

16 11. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
17 contained in Paragraph 11 of the Complaint and therefore denies the same.

18 12. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
19 contained in Paragraph 12 of the Complaint and therefore denies the same.

20 13. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
21 contained in Paragraph 13 of the Complaint and therefore denies the same.

22 14. Defendant lacks sufficient knowledge to form a conclusion as to the allegations
23 contained in Paragraph 14 of the Complaint and therefore denies the same.

15. Defendant lacks sufficient knowledge to form a conclusion as to the allegations contained in Paragraph 15 of the Complaint and therefore denies the same.

16. Defendant lacks sufficient knowledge to form a conclusion as to the allegations contained in Paragraph 16 of the Complaint and therefore denies the same.

17. Defendant denies the allegations set forth in Paragraph 17 of the Complaint.

18. Defendant admits the allegations set forth in Paragraph 18 of the Complaint.

19. Paragraph 19 expresses statements to which no responsive pleading is required.

20. Defendant denies the allegations set forth in Paragraph 20 of the Complaint.

21. Defendant lacks sufficient knowledge to form a conclusion as to the contents of the Debtor's records and therefore denies the allegations with respect to the same. The remainder of Paragraph 21 expresses statements to which no responsive pleading is required.

AFFIRMATIVE DEFENSES

1. On information and belief, the transfers were in payment of debt incurred by the Debtor in the ordinary course of business of the Debtor and Defendant, made in the ordinary course of business of the Debtor and Defendant, and made according to ordinary business terms.

2. On information and belief, after the transfers, Defendant gave new value to or for the benefit of the Debtor which was not secured by an otherwise unavoidable security interest and on account of which new value the Debtor did not make an otherwise unavoidable transfer to or for the benefit of Defendant.

3. Defendant reserves the right to assert and add Affirmative Defenses, Third-Party Defendants, Cross-Claims and/or Counter-Claims as additional discovery may warrant.


PRAYER FOR RELIEF

WHEREFORE, Defendant prays for the following relief:

1. For dismissal of Plaintiff's claims with prejudice; and
2. For an award of Defendant's costs in defending this action pursuant to Bankruptcy Rule 7054.
3. For other relief as the Court deems just and equitable.

DATED this 23rd day of May, 2001.

BUSH STROUT & KORNFELD

By 
Aimee S. Willig, WSBA #22859
Christine M. Tobin, WSBA #27628
Attorneys for Randall International

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☒ Hand delivered to:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing Declaration of Service is true and correct.

Paula J. Sutton
Paula J. Sutton
Seattle, Washington